

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JILBRAUN DANDTON AGNEW,

Petitioner,

v.
MATTHEW CATE, Secretary of the California
Department of Corrections and Rehabilitation,

Respondent.¹

Civil No. 11cv0757-BTM (RBB)

**ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS**

Petitioner, a state prisoner proceeding pro se, has submitted a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis. Petitioner has no funds on account at the California correctional institution in which he is presently confined. Petitioner cannot afford the \$5.00 filing fee. The Court **GRANTS** Petitioner's application to proceed in forma pauperis, and allows Petitioner to prosecute the

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¹ Petitioner named "Hedgepath, Warden" as Respondent. However, Anthony Hedgpeth is the Warden of the correctional institution where Petitioner is presently confined. In order to avoid changing Respondents in the future if Petitioner is transferred or paroled, the Court substitutes Matthew Cate, the Secretary of the California Department of Corrections and Rehabilitation, as Respondent in place of "Hedgepath, Warden." See *Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 894 (9th Cir. 1996) (stating that the respondent in § 2254 proceedings may be the chief officer in charge of state penal institutions).

1 above-referenced action as a poor person without being required to prepay fees or costs and
2 without being required to post security.

3 **IT IS SO ORDERED.**

4 DATED: April 21, 2011

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7 Honorable Barry Ted Moskowitz
8 United States District Judge

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